UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Commercial and Business Law (Advanced)

Academic Year 2026/2027

## 1. Organic Unit

Faculty of Law

## 2. Course

LAW

## 3. Cycle

2nd

## 4. Course Unit

Commercial and Business Law (Advanced) (71610)

## 5. Scientific Area

## 6. Curricular Year

1st

## 7. Type of Curricular Unit / Semester

1st Semester



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## 8. Class type and workload (work time)

| | |
|---|---|
| Theoretical classes: | |
| Practical classes: | |
| Theoretical-Practical Classes | 15,00 |
| Tutorial Guidance: | 20,00 |

## 9. ECTS Credits

7,50

## 10. Scientific Area Coordinator

## 11. Regent

Prof. Doutor SERGIO DA CONCEIÇÃO PIRES BRAS

## 12. Assistants

## 13. Teaching Language

Portuguese

## 14. General Objectives

The curricular unit aims to deepen postgraduate students? legal knowledge of banking contracts as fundamental instruments of financial activity, with particular emphasis on the critical analysis of credit, deposit, payment and bank guarantee agreements. The objective is to equip students with conceptual and methodological tools that enable them to understand the economic and legal function of these contracts within the framework of the contemporary financial system.

## 15. Specific Objectives

Students are expected to acquire a systematised understanding of the dogmatic autonomy of Banking Law, recognising its place within the legal order as a specialised legal discipline. The curricular unit also aims to provide an in-depth knowledge of the legal framework applicable to typical banking contracts, enabling students to identify, interpret and apply their fundamental rules

## 16. Skills to be acquired

Upon completion of the curricular unit, postgraduate students should be able to interpret and rigorously apply the legal framework governing banking contracts, identifying their specific features in comparison with typical civil and commercial contracts. They are expected to master the main dogmatic concepts of Banking Law, understand the role of regulatory authorities in shaping contractual content, and integrate normative analysis with relevant case law.



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## 17. Teaching Methodology

The methodology combines structured theoretical lectures with case-based and jurisprudential analysis in tutorial settings. The lectures introduce the fundamental concepts and legal architecture of banking contracts, while the tutorials focus on critical discussion with students and the resolution of cases based on national and European case law. Dialogical and problem-based teaching methods will be prioritised, encouraging active student engagement.

## 18. Course Unit Program



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1. Introduction
1.1. Autonomy of Banking Law
1.2. Core of Banking Law
1.2.1. Receipt of deposits
1.2.2. Granting of credit
1.3. Sources
2. Formation of the banking relationship
2.1. Duties of information and advice
2.2. Banking contracts
2.3. Termination of the contract
2.4. Standard contractual clauses
3. Bank account contract
3.1. Account opening
3.2. Common types
3.3. Special types: fiduciary accounts
3.4. Credit to the account balance
3.4.1. Attachment
3.4.2. Pledge
3.4.3. Assignment
3.5. Set-off of claims
3.5.1. Joint accounts
3.5.2. Claims arising from different sources
4. Deposit contracts
4.1. Non-monetary deposits
4.2. Monetary deposits
4.2.1. Legal nature
4.2.2. Specific types
5. Credit contracts
5.1. Loan (Mutuum)
5.2. Real estate credit
5.3. Bank advances
5.4. Credit facilities
5.5. Bill discounting
5.6. Factoring
5.7. Leasing
5.8. Forfaiting
5.9. Financial repo
5.10. Consumer credit
5.11. Interest
6. Payment contracts
6.1. Introduction
6.2. Confirming



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6.3. Documentary credit
7. Bank guarantees
7.1. Introduction
7.2. Security deposit (Caution)
7.3. Suretyship
7.4. Bill of exchange guarantee (Aval)
7.5. Independent guarantee
7.6. Comfort letters
7.7. Credit Default Swap

## 19. Assessment Methods

Continuous assessment comprises two complementary components: an individual written test and a legal report. The written test aims to assess the theoretical and practical knowledge acquired up to that point, through essay-style questions and applied legal problems. The legal report, to be submitted by the end of the semester, focuses on a topic selected from the contents covered in class and must demonstrate critical analysis, normative reasoning and well-founded use of case law and legal doctri

## 20. Didactic Resources

Teaching will be supported by up-to-date textbooks on Banking Law, relevant national and European legislation, and case law from Portuguese and European courts. Digital resources such as presentations, diagrams and practical cases will be used, as well as legal databases. The Moodle platform will facilitate the sharing of materials and monitoring of the course.

## 21. Sustainability Objectives

Ensuring equal access to quality technical, vocational and cultural education;
Substantially increasing the number of young people and adults with relevant qualifications, including technical and professional skills for employment, decent work and entrepreneurship;
Guaranteeing equal opportunities in higher education, including for individuals in vulnerable situations.

## 22. Keywords

Banking law
Credit
Deposit
Payment
Guarantees



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## 23. Main Bibliography

| | | | |
|---|---|---|---|
| Author(s): | António Menezes Cordeiro | | |
| Title: | Direito Bancário I | | |
| Edition: | 7ª | Year: | 2023 |
| Local: | Coimbra | | |
| Publisher: | Almedina | | |
| ISBN Code: | | | |

| | | | |
|---|---|---|---|
| Author(s): | Francisco Mendes Correia | | |
| Title: | Lições de Direito Bancário | | |
| Edition: | 1ª | Year: | 2025 |
| Local: | Coimbra | | |
| Publisher: | Almedina | | |
| ISBN Code: | | | |

| | | | |
|---|---|---|---|
| Author(s): | Jorge Brito Pereira | | |
| Title: | Contratos Bancário | | |
| Edition: | 2ª | Year: | 2024 |
| Local: | Coimbra | | |
| Publisher: | Almedina | | |
| ISBN Code: | | | |

## 24. Complementary Bibliography

| | | | |
|---|---|---|---|
| Author(s): | Miguel Pestana de Vasconcelos | | |
| Title: | Direito Bancário | | |
| Edition: | 4ª | Year: | 2022 |
| Local: | Coimbra | | |
| Publisher: | Almedina | | |
| ISBN Code: | | | |

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|---|---|---|---|
| Author(s): | | | |
| Title: | | | |
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| Ficha técnica MIP / MIP Datasheet | |
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| Autor / Author | Prof. Doutor SERGIO DA CONCEIÇÃO PIRES BRAS |
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| Descritores / Descriptors | - |
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